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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/645,073	05/13/1996	MAKOTO YOSHIOKA	1046.1133/JD	4943

7590 01/22/2002

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WASHINGTON, DC 20001

EXAMINER
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ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 01/22/2002

39

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

08/645,073

Applicant(s)

Makoto, Yoshioka et al.

Examiner

Pierre E. Elisca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Oct 11, 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above, claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other:

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**DETAILED ACTION**

1. This Office action in response to the interview on 12/26/2001. The Examiner hereby withdraws the final rejection mailed on 07/25/2001 and the advisory action mailed on 10/31/2001, and therefore, a non final rejection is provided.

2. Claims 1-25 are pending.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

4. Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by McMullan, Jr. et al. ('086) or McMullan, Jr et al ('690).

It is noted that McMullan, Jr et al. ('086) is a divisional application of McMullan, Jr. et al ('690), so they are treated together in this rejection.

**As per claim 1, McMullan** substantially discloses each of the applied references shows a CATV system with impulse pay-per-view, where the distributed programs are scrambled. The "content medium" is read on at least all of the headend structure that stores the program and program-

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related data relating to showing times, which would include the order processing circuitry in each of the references. When a program is ordered, the order locks in an authorization of viewing a scrambled, transmitted program for a particular time interval. The claim 1 “period reader...” reads on the structure at the headend that reads the stored data regarding the delivery time of the pay-per-view showing. Typically, these showings are scheduled well in advance and are printed in a program guide for customers. As for claim 1, “present time or period of time data generator...”, inherently each of the applied references would have a time generator as part of the computer controlling the transmission of ordered pay-per-view showings, so that the showing starts at the scheduled starting time and is cut off at the scheduled ending time. As for the claim 1 “comparator...”, this is inherent in each of the applied references in that the computer at the headend must decide when the starting time for a pay-per-view program has arrived and when the ending time has arrived, when the showing is cut off. The claim 1 “ser...” is clearly just the part of the headend dealing with program delivery. In McMullan, Jr. et al. ('086), please note the mention of IPPV (impulse pay-per-view) at column 10, lines 3-35. In McMullan, Jr. et al. ('690), please note the mention of IPPV at column 8, line 44 through column 9, line 34.

Based on the Applicant's amendment filed 4/19/2001 or amendment L, Applicant adds limitations as follow: content medium; self contained computer readable medium; and determine present time or period of time. Please note that these limitations have been disclosed by both McMullan as specify hereinabove and the office action mailed on 01/17/2001, page 2-4.

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**As per claim 2**, the further limitations of the dependent claim are fully met by each of the applied references in that each pay-per-view program and its showings schedule are inherently stored at the headend.

**As per claim 3**, theses are full-met by the inherent transmission of the decryption key to the CATV terminal at the customer's location. Specifically, claim 3 reads on the sending of the signal to read out the decryption key for transmission to the customer. Please note item 313 in Figure 3 of each of the applied references. This is the scrambler, so these must be a descrambler at the CATV terminal at the customer's location. Such a CATV terminal for scrambled pay-per-view always has a key download for descrambling of the ordered pay-per-view program.

The remark with respect to claim 4-25 are substantially those given with respect to claims 1-3 herein above.

***Response to Arguments***

5. Applicant's arguments filed 4/19/2001 have been fully considered but they are not persuasive.

**REMARKS**

6. In response to the claims , Applicant argues that the prior art of record do not teach the newly added limitation "self contained computer content , the content medium contents a period of time".

Examiner disagrees as these limitations have been disclosed by McMullans as specify above and the

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office action mailed on 07/17/2001, page 2-4, and thus, these limitations already existed or already been treated in the previous office action.

During the interview 12/26/2001 and also in the response filed on 10/20/2001, paper # 40 , Applicant argues that the Examiner fails to answer the limitation such as “a period reader reading a period stored on an individual self contained computer readable content medium, the content medium indicating a period of time during which a content on the content medium can be served”. However, the Examiner disagrees because this limitation is disclosed by both McMullan as detailed above, specifically wherein the Examiner has stated “ period reader....” reads on the structure at the headend that reads the stored data regarding the delivery time of the pay-per-view showing. Typically, these showings are scheduled well in advance and are printed in a program guide for customers. As for claim 1, “ present time or period of time data generator...”, inherently each of the applied references would have a time generator as part of the computer controlling the transmission of ordered pay-per-view showings, so that the showing starts at the scheduled starting time and is cut off at the scheduled ending time.

### ***Conclusion***

7. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Monday, Tuesday and Wednesday from 5:30AM. to 6:00PM.

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If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9769.

**Any response to this action should be mailed to:**

Commissioner of patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry )

**OR:**

(703) 305-3718 ( for informal or draft communications, please label

"PROPOSED" or " DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth floor (receptionist ).

  
Pierre Eddy Elisca

Patent Examiner

January 15, 2002

  
JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100